IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WA.No. 53 of 2002()

AGAINST THE JUDGEMENT IN OP.20845/2001
.....

APPELLANT: PETITIONER/APPELLANT

K.PARUKUTTY AMMA,
W/O.LATE SRI.APPUKUTTAN PILLAI,
KODANKARAMEKKE PUTHEN VEEDU, THAZHATHUVILLA,
KEEZHAMUKKAM, CHENKAL P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.GOPALAKRISHNAN NAIR
SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: RESPONDENTS
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1. THE DEPUTY EXAMINER,
LOCAL FUND ACCOUNTS CORPORATION AUDIT,
THIRUVANANTHAPURAM.

2. THE SECRETARY, THIRUVANANTHAPURAM
CORPORATION, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF MUNICIPAL
ADMINISTRATION, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BENNY GERVASIS FOR R1 & R3
SRI.N.NANDAKUMARA MENON,SC,TVM CORPN. FOR R2

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 5/6/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.53 of 2002
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Dated this the 5th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Writ Petition was preferred by the appellant herein seeking a declaration that the petitioner is entitled to get family pension with effect from 24.6.1992 and also for a mandamus directing the respondents to disburse the entire arrears of family pension due to the petitioner from 24.6.1992. Learned single Judge directed the Government to examine the relevance of enforcement of Ext.P4 with effect from 24.6.1992. Counsel for the petitioner submitted that the the petitioner's claim for family pension is made on the basis of Ext.P4 order and the order specifically says that it will have the retrospective effect from 24.6.1992.

2. Petitioner is a widow of one Appukuttan Pillai, who died in harness on 9.8.1956 while working as Peon in the Corporation of Trivandrum. The widow has submitted an application for family pension, Ext.P2 dated 19.5.1986. Ext.P3 is the letter from the Deputy

Examiner, Local Fund Accounts, Corporation Audit, Trivandrum to the Examiner of Local Fund Accounts, Trivandrum, wherein the application submitted by the widow has been referred to. Ext.P4 is the consequential order passed on 20.1.1999, which has effect from 24.6.1992. The petitioner's husband died on 9.8.1956, if that be so, there is no reason to reject the claim for family pension from 24.6.1992.

3. In the circumstances, the judgment of the learned single Judge is modified and the Original Petition is allowed declaring that the petitioner is entitled to family pension with effect from 24.6.1992. Further, the second respondent is directed to disburse the entire arrears due to the petitioner with effect from 24.6.1992 within a period of three months from the date of receipt of a copy of this judgment.

Writ Appeal is allowed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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